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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,614	02/06/2002	Christopher O'Brien	2001 P 07453 US 01	6805

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Attn: Elsa Keller
Siemens Corporation
Intellectual Property Department
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EXAMINER

SANTOS, PATRICK J D

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,614

Applicant(s)

O'BRIEN, CHRISTOPHER

Examiner

Patrick J Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4 / 2-6-02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,956,717 issued to Kraay et al. (hereafter Kraay '717).

Claim 2:

Regarding Claim 2, Kraay '717 discloses: in a data mining system, a method for providing analysis services directed to industrial control-related data originating at a plurality of client industrial systems (Kraay '717: col. 3, lns. 10-13), the data mining system in communication with the plurality of client industrial systems (Kraay '717: col. 3, lns. 10-13), the data mining system further accessible over a network by a user (Kraay '717: col. 6, lns. 24-33), the data mining system being associated with a data warehouse and comprising at least one data mining application (Kraay '717: col. 3, lns. 42-52), the method comprising the steps of:

- collecting industrial control-related data from the plurality of client industrial systems (Kraay '717: col. 3, lns. 10-13);

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- storing the collected industrial control-related data in the data warehouse associated with the data mining system (Kraay '717: col. 3, lns. 10-13; col. 3, lns. 26-41; col. 4, lns. 11-36);
- providing access over the network by the user to the at least one data mining application (Kraay '717: col. 6, lns. 24-33);
- in response to the user-directed data mining application, retrieving data from the data warehouse and processing the data (Kraay '717: col. 3, lns. 42-49); and
- delivering the processed data over the network to the user (Kraay '717: col. 3, lns. 50-52).

Claim 9:

Regarding Claim 9, Kraay '717 discloses: a data mining system for providing analysis services directed to industrial control-related data originating at a plurality of client industrial systems (Kraay '717: col. 3, lns. 10-13), the data mining system in communication with the plurality of client industrial systems (Kraay '717: col. 3, lns. 10-13), the data mining system further accessible over a network by a user (Kraay '717: col. 6, lns. 24-33), the data mining system being associated with a data warehouse and comprising at least one data mining application (Kraay '717: col. 3, lns. 42-52), the system comprising:

- data collection means adapted for collecting data from the plurality of client industrial systems (Kraay '717: col. 3, lns. 10-13);
- a data warehouse coupled to the data collection means and adapted for storing data collected from the plurality of industrial systems (Kraay '717: col. 3, lns. 10-13; col. 3, lns. 26-41; col. 4, lns. 11-36);

- on-line analytical processing means coupled to the data warehouse and adapted for analyzing industrial systems data (Kraay '717: col. 3, lns. 42-49); and
- user-interface means for presenting to the user the results of on-line analytical processing (Kraay '717: col. 3, lns. 50-52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0165812 filed by Lukose on 08 December 2000 (hereafter Lukose '812) in view of Kraay '717.

Claim 1:

Regarding Claim 1, Lukose '812 discloses: a method for retaining a client subscription to information product, the method comprising the steps of:

- providing an on-line site providing access at least to industrial products and services (Lukose '812: paras. [0006], [0007], and [0009]);
- offering a subscription to the client to access the on-line site (Lukose '812: paras. [0006], [0007], and [0009] – Examiner observes that the contingent model of Lukose '812

provides for any type of contingent sale including subscriptions (see description of subscription model in Lukose '812: para. [0002] as well));

- if the client accepts the subscription offer, further offering the client at least some access to the service free of charge (Lukose '812: paras. [0006], [0007], [0008], and [0009]); and
- charging the client a fee for the information product, wherein the client subscription is retained by rewarding the client with an aspect of the information product access free of charge (Lukose '812: paras. [0006], [0007], [0008] and [0009]).

However, Lukose '812 does not explicitly disclose:

- that the information product is an on-line site that provides access to industrial products and services;
- wherein at least one service includes data mining of a data warehouse populated with data relating to at least one industrial application; or
- the aspect of the information product free of charge is a data mining service.

Kraay '717 discloses a data mining application as described in the discussion regarding

Claim 2 (supra). Specifically, Kraay '717 discloses:

- that the information product is an on-line site that provides access to industrial products and services (Kraay '717: col. 6, lns. 24-33);
- wherein at least one service includes data mining of a data warehouse populated with data relating to at least one industrial application (Kraay '717: col. 3, lns. 42-52); or
- the aspect of the information product free of charge is a data mining service (Kraay '717: col. 3, lns. 42-52).

It would have been obvious to a person having ordinary skill in the art to apply the contingent sale mechanism of Lukose '812 with the Kraay '717 data mining service. The motivation to combine is suggested by Lukose '812 which discloses that the contingent sale capability provided by Lukose '812 makes it more likely that sales of information products such as that of Kraay '717 will be sold (Lukose '812: para. [0010]). In general, Examiner observes that the method of Lukose '812 applies to an arbitrary information product and not just the particular information product of Kraay '717. Examiner further notes that Lukose '812 also subsumes standard sales models such as incentive and subscription (Lukose '812: para. [0002]).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,895,454 issued to Harrington (hereafter Harrington '454) in view of Kraay '717.

Claim 3:

Regarding Claim 3, Harrington '454 discloses: a method for delivering industrial control-related on-line services to a user during an on-line session (Harrington '454: Abstract), the method comprising the steps of:

- providing access by a user over a network to a system during the on-line session (Harrington '454: col. 2, lns. 26-28), the system comprising at least one application in communication with a data warehouse (Harrington '454: col. 2, lns. 26-28), the application allowing the user to view the data in the data warehouse (Harrington '454: col. 2, lns. 28-36); and
- providing access by the user to non-data mining industrial control-related content, the access provided during the same online session (Harrington '454: col. 2, lns. 36-39 –

note that remote web site content is content not part of the system database, and is non-data mining content).

Harrington '454 does not explicitly disclose:

- the system is a data mining system;
- the data warehouse is comprised of data collected from among network-delivered data originating with a plurality of industrial control systems;
- the system provides for the user to conduct analyses of data in the data warehouse and to view the results of the analyses.

Kraay '717 discloses a data mining system. Specifically, Kraay '717 discloses:

- the system is a data mining system (Kraay '717: Abstract);
- the data warehouse is comprised of data collected from among network-delivered data originating with a plurality of industrial control systems (Kraay '717: col. 3, lns. 10-13);
- the system provides for the user to conduct analyses of data in the data warehouse (Kraay '717: col. 3, lns. 42-49) and to view the results of the analyses (Kraay '717: col. 3, lns. 50-52).

It would have been obvious to a person having ordinary skill in the art to combine the data mining system of Kraay '717 to the web page of Harrington '454. The motivation to combine is suggested by Kraay '717 which discloses that applying the data mining tools of the Kraay '717 invention provides a particularly advantageous way to extract and correlate data from a large database system such as that of Harrington '454 (Kraay '717: col. 3, ln. 53 to col. 4, ln. 3).

6. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington '454, in view of Kraay '717, and in further view of Lukose '812.

Claim 4:

Regarding Claim 4, Harrington '454 discloses a method for generating a data structure comprising industrial control-related content for presentation to a user over a network during an on-line session, the method comprising:

- generating a document for presentation over the network to the customer during the on-line session (Harrington '454: col. 2, lns. 26-28);
- inserting into the document a link that, when selected by the user, points to non-data mining industrial control-related on-line content (Harrington '454: col. 2, lns. 36-39 – note that remote web site content is content not part of the system database, and is non-data mining content).

However, Harrington '454 does not explicitly disclose:

- a link is such that when selected by the user, points to a second document relating to an industrial-control related data mining service;
- whereby the user is provided access to the industrial control-related data mining service as an incentive to also access the non-data mining industrial control related on-line content.

Kraay '717 discloses a data mining service. Specifically, Kraay '717 discloses:

- a link such that when selected by the user, points to a second document relating to an industrial-control related data mining service (Kraay '717: Abstract – Examiner notes

that by virtue of being applied to a web page, the data mining presentation is expressed as a link).

However, Kraay '717 does not explicitly disclose:

- whereby the user is provided access to the industrial control-related data mining service as an incentive to also access the non-data mining industrial control related on-line content.

Lukose '812 discloses a contingency based sale mechanism. Specifically, Lukose '812 discloses:

- whereby the user is provided access to the industrial control-related data mining service as an incentive to also access the non-data mining industrial control related on-line content (Lukose '812: paras. [0006], [0007], and [0009] – Examiner observes that the contingent model of Lukose '812 provides for any type of contingent sale including providing incentives).

It would have been obvious to a person having ordinary skill in the art to combine the data mining system of Kraay '717 with the web page of Harrington '454. The motivation to combine is on the same basis as Claim 3 (supra).

It would have been further obvious to a person having ordinary skill in the art to apply the contingent sale mechanism of Lukose '812 to the Harrington '454 and Kraay '717 combination. The motivation to combine is suggested by Lukose '812 which discloses that the contingent sale capability provided by Lukose '812 makes it more likely that sales of information products such as that of the Harrington '454 and Kraay '717 combination will be sold (Lukose '812: para. [0010]). In general, Examiner observes that the method of Lukose '812 applies to an

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arbitrary information product and not just the particular information product of Kraay '717.

Examiner further notes that Lukose '812 also subsumes standard sales models such as incentive and subscription (Lukose '812: para. [0002]).

Claims 5 and 8:

Regarding Claim 5, Harrington '454, Kraay '717, and Lukose '812 in combination disclose all the limitations of Claim 4 (supra). Additionally, Harrington '454, Kraay '717, and Lukose '812 in combination disclose:

- (Claim 5) further comprising the step of inserting into the document content allowing invocation of the second link by the user only if the user is a paying subscriber to the non-data mining industrial control-related on-line content (Lukose '812: paras. [0006], [0007], and [0009] – Examiner observes that the contingent model of Lukose '812 provides for any type of contingent sale including invocation of a second link if the user is paying subscriber to the non-data mining content).
- (Claim 8) further comprising the step of inserting into the document content allowing invocation of the first link if the user by the user only if the user is a paying subscriber to the industrial control-related data mining service (Lukose '812: paras. [0006], [0007], and [0009] – Examiner observes that the contingent model of Lukose '812 provides for any type of contingent sale including invocation of a first link if the user is paying subscriber to the data mining content).

Claims 6-7:

Regarding Claim 6-7, Harrington '454, Kraay '717, and Lukose '812 in combination disclose all the limitations of Claim 5 (*supra*). Additionally, Harrington '454, Kraay '717, and Lukose '812 in combination disclose:

- (Claim 6) further comprising the step of inserting into the document content indicating that access via the first link to the industrial control-related data mining on-line service is free of charge (Lukose '812: paras. [0006], [0007], and [0009] – Examiner observes that the contingent model of Lukose '812 provides for any type of contingent sale including providing no contingency at all e.g. providing access to a first link free of charge).
- (Claim 7) further comprising the step of inserting into the document content indicating that access via the second link to the non-data mining industrial control-related on-line content is free of charge (Lukose '812: paras. [0006], [0007], and [0009] – Examiner observes that the contingent model of Lukose '812 provides for any type of contingent sale including providing no contingency at all e.g. providing access to a second link free of charge).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J.D. Santos whose telephone number is 703-305-0707. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Patrick J.D. Santos
July 26, 2004

Frantz Coby
FRANTZ COBY
PRIMARY EXAMINER